

FIVE DRUGGED AND ROBBED BY BURGLARS



The

Evening

World.

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WEATHER—Clearing to night; probably fair Thursday

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CAPITAL RIOTERS AWED BY TROOPS WAR-TIME DRY LAW UPHELD IN TEST CASE

WAR-TIME DRY LAW UPHELD BY FEDERAL DISTRICT COURT IN CONNECTICUT TEST CASE

Judge Chatfield Overrules Demurrer and Holds Act Constitutional.

CONGRESS HAS POWER.

Law Must Remain in Force Until Wilson Calls Demobilization Ended.

Judge Thomas I. Chatfield of the United States District Court to-day in his chambers in Brooklyn handed down a decision made regarding a test case in Connecticut that the war-time prohibition act is constitutional and will remain in force until the President declares that demobilization of the armed forces of the United States engaged in the recent war has been accomplished.

A point of the decision which caused much discussion by lawyers was the apparent ruling that the President cannot announce that the army has been demobilized except under conditions to be defined by Congress. It was noted that the President in his Paris message asking Congress to repeal the War Time Prohibition Act as to beer and light wines said he was without power to nullify war prohibition at that time without the action of Congress.

After laying down the principle that the power of Congress to legislate for war involves the power to adjust after-war conditions, Justice Chatfield ruled: "Discretion for the termination of this (wartime prohibition) law has been vested in the President after certain fixed conditions shall have happened. Those conditions are in the power of Congress to describe and define. It follows that the courts have no right to interfere with the exercise of this discretion of Congress."

TEST CASE ARRANGED BY CONNECTICUT DEALERS.

Judge Chatfield recently sat at New Haven in place of Judge Edwin S. Thomas to hear this test case. His decision was filed in the Connecticut Federal District Court to-day.

The test case was brought by the Connecticut Liquor Dealers' Association, who arranged to have Stephen A. Minery open a saloon in Meriden and do a general business such as was done in all saloons before July 1. He was promptly arrested and at once conceded that he had sold wines, beers and liquors "on or about July 8 last." He was defended by Arnold A. Alling, who is State Prosecutor. In a demurrer Mr. Alling maintained that the war-time prohibition act was unconstitutional and that even though it were constitutional it was not now effective because a state of peace had been restored.

Justice Chatfield summed up the demurrer in his decision, in part as follows:

"The defendant has demurred: '1. That the facts set forth do not constitute a crime; '2. That the act was committed on or about July 8, 1919, and therefore

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TRIAL OF MOONEY ON BOMB CHARGE DECLARED UNFAIR

Labor Department Investigator's Report Rapping Prosecution Goes to House.

WASHINGTON, July 22.—Thomas J. Mooney did not receive full justice in his trial at San Francisco for alleged connection with the Preparedness Day bomb explosion. This is the opinion of John B. Denmore, former Special Agent of the Department of Justice, who investigated the case for the Government.

The report, dated Nov. 1, 1918, was submitted to the House to-day in response to a resolution. "The plain truth is," the report said, "that there is nothing about the case to produce a feeling of confidence that the dignity and majesty of the law have been upheld.

"There is nowhere anything resembling consistency, the effort being a patchwork of incongruous makeshift and often of desperate expediency."

The resolution called for information as to activities of the Department of Labor in the case, and Denmore's report was forwarded by Secretary Wilson, accompanying his own statement.

Much of the information obtained by Denmore and his assistants, the report said, was secured by use of dictaphons placed in the office of Charles M. Fickert, District Attorney of San Francisco, where it was kept several months. Mr. Denmore's objections to the trial, as enumerated in his report, include:

"The apparent failure of the District Attorney's office to conduct a real investigation at the scene of the crime; the irregular methods pursued by the prosecution in identifying various defendants; the sorry type of men and women brought forward to prove essential matters of fact in a case of greatest importance; the sangfroid with which the prosecution occasionally adopted an untenable theory and then changed to another not quite so preposterous; and the refusal of the public prosecutor to call witnesses who actually saw the falling of the bomb.

"In short, at the general fairness and improbability of the testimony adduced, together with a total absence of anything that looks like a genuine effort to arrive at the facts in the case.

"There were excellent grounds for the belief," said the report, "that the prosecuting attorney's sudden change of attitude was prompted by emissaries from some of the corporate interests most bitterly opposed to union labor."

St. Louis, July 22.—St. Louis live stock market records again were shattered to-day when hogs sold on the market here at \$23.35.

TAKE DELL-AND BEHOLD NEALS and see how fine Good Disposition makes

ROCKAWAY PLEADS FOR MORE CLOTHES ON BEACH NYMPHS

Father Foran Leads Delegation From Three Towns to City Hall.

CHURCHES INVADIED.

Priest Says Actions of Women Wearing Men's Suits Is a Disgrace.

Speaking for the residents of Belle Harbor, Rockaway Park and Neponset, Rev. Father J. M. Foran of St. Francis De Sales Roman Catholic Church of Belle Harbor, declared before Mayor Hylan to-day that a large section of Rockaway Beach has been invaded by women whose deportment has scandalized women and children. On the beach in broad daylight, he said it was a common sight to see women in men's bathing suits mingle with the crowd or ride about on bicycles, and that even the sanctuary of places of worship had not been spared by scantily clad persons.

Father Foran's assertions, which were made in the public reception room in City Hall, were backed up by hundreds of prominent Rockaway Beach residents who came here with the priest to protest. Conditions along the residential part of the beach have become so unbearable, they said, that the residents have formed a protective association. Thomas Farrell, a coal dealer, is chairman of the organization. Thomas W. Churchill, former President of the Board of Education, was in the protesting delegation to-day.

Father Foran told the Mayor that it was impossible to describe some of the things which respectable women and children are almost daily compelled to witness on Rockaway Beach. "The wantonness of these invaders, who do not live in our section of the city, would justify a Trial Jury sending them to prison," he said.

"Others who do not shock our good people on the beach invade our residential sections in men's bathing suits, go joy-riding in autos on the Boulevard while scantily clad, or even have the brazen effrontery and indecency to enter churches in their bathing costumes. This simply has to stop.

"I do not wish it understood that Police Captain McMahon is to blame for this. What we need is more police protection. However, I have heard it said that a policeman turns his head the other way when some of the women I complain of are nearby."

"The policeman who thus seeks to shirk his duty by not arresting offenders doesn't deserve to hold his job," said the Mayor. "I shall immediately get in touch with Police Commissioner Enright, and I can assure the people of Rockaway that the entire peninsula will be made fit for the eyes of decent people. If the police captain we have at Rockaway can't keep it clean, we'll send another there who can."

Father Foran laid several other complaints before the Mayor. He said the water supply service rendered by the Queens County Water Company, a private concern, is unbearable, and that the pressure is so low that a big fire would develop into a conflagration that would wipe out the residential section of the peninsula.

"It is the policy of the Board of Estimate to extend city water mains into every section of the five boroughs, and that the pressure is so low that a big fire would develop into a conflagration that would wipe out the residential section of the peninsula."

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Marines Now on Duty in Washington Ready to Suppress Further Rioting



FIVE ARE DRUGGED BY BURGLARS WHO ROB APARTMENT

Thieves Carry Off Plunder After Making Household Unconscious.

Five persons were overcome by some mysterious drug left by burglars last night. While they were unconscious the apartment was hastily ransacked of property worth several hundred dollars.

The victims of the burglars all lived in the apartment on the second floor of No. 142 West 118th Street, leased by Mrs. Elizabeth Merrill.

Those drugged were: Mrs. Elizabeth Merrill, who leases the apartment and rents out rooms to relatives and friends; John Marx, a wholesale milliner; Walter E. Merrill, son of the lessee of the apartment, a buyer for the Western Electric Co.

Lieut. John Cab, U. S. N., stationed at No. 45 Broadway. Marcus Weingott, a printer. After the robbery and drugging were reported to the police of the West 123d Street station, Mrs. Merrill was warned that under no circumstances was she to allow any one to know of the crime if she expected to recover her lost property. The police are said to have particularly cautioned her against allowing the matter to get into the newspapers.

According to the story told by Mrs. Merrill, the last member of the family retired about midnight. She woke up about 5 this morning, feeling dizzy and with a terrible headache. She aroused her son after difficulty, and he reported the same symptoms. In

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PRINCE OF WALES COMING TO UNITED STATES SAYS OFFICIAL ANNOUNCEMENT

His Departure From England on the Cruiser Renown Set for August 5.

LONDON, July 22.—It was officially announced to-day that the Prince of Wales would visit the United States during his tour. It was added, however, that most of his time would be spent in Canada. His departure, on the cruiser Renown, is set for Aug. 5.

HIGH CENSUS BUREAU POST GOES TO NEW YORK WOMAN

Miss Emily Farnum Named Chief of Appointment Division for 1920 Survey.

WASHINGTON, July 22.—Miss Emily Farnum of New York City, for many years connected with the Department of Commerce, will be Chief of the Appointment Division for the 1920 census. She is the first woman to hold the position. Miss Farnum will have supervision of the comfort and general working of the 4,000 for the local end of the work. Her biggest job will be that of supervising the correspondence with the 70,000 field workers.

SAYS UNCLE ALIENATEDWIFE

Long Island Man Wants \$50,000 From One of Seventy-Two.

Eugene Heiselbach, forty-five, of Springfield, L. I., brought suit for \$50,000 to-day in the Supreme Court, Brooklyn, against his uncle, Louis Gruner of No. 242 Woodbine Street, Brooklyn, charging the alienation of Mrs. Heiselbach's affections. The couple were married in 1914. Mrs. Heiselbach is forty-two. Gruner, the uncle defendant, manager of a textile mill at Passaic, N. J., is seventy-two years old.

LODGE COMMITTEE TO DEBATE TREATY AT OPEN HEARINGS

"Open Covenants" Plan Agreed to by G. O. P. Leader, Says Senator.

WASHINGTON, July 22.—The principle of "open covenants of peace openly arrived at" is to be applied to the Senate Foreign Relations Committee's consideration of the treaty, according to plans made by Administration Senators to-day. Usually the committee's sessions are secret.

Senator Jones, New Mexico, said he will call up at once his resolution providing that all sessions of the committee be open to the public.

Senator Lodge, Republican leader and Chairman of the committee, has practically assured Jones he will not fight the resolution, Jones said. Democratic Senators declared Republicans dared not vote against open sessions, because they have assailed President Wilson for the secrecy of the Peace Conference and have constantly demanded that the public be kept informed from day to day of all developments.

Conferences with Republican Senators on the Peace Treaty and the League of Nations covenant were continued to-day by Mr. Wilson. Senators on the visiting list were Page, Vermont; Sterling, South Dakota; McLean, Connecticut, and Newberry, Michigan.

Senator Sterling told the President he could not accept Article X, except with a reservation, leaving to Congress the decision as to what part the United States would play in any specific European conflict. Mr. Wilson reiterated that he was opposed to any action which would send the covenant back for renegotiation.

The South Dakota Senator assured

WASHINGTON NOW GUARDED BY MACHINE GUNS AND TANKS TO SUPPRESS RACE RIOTS

Two Thousand Cavalrymen, Infantrymen, Marines and Sailors Co-operate With Armed Civilians to Suppress Riots.

WASHINGTON, July 22.—The capital to-day is under the protection of Major Gen. W. C. Haan's 2,000 cavalrymen, infantrymen, marines and sailors, co-operating with the armed civilian forces, after a night of intermittent race rioting, in which two Home Defense Guards were killed by negroes.

The known casualties now include seven persons killed, twelve dying and scores injured since the outbreak started. The rioting last night was resumed, despite the increase in military and civilian guards, but it was less serious than on the preceding nights.

A battalion and one company, numbering about 1,200 men, of the 17th Infantry, arrived on a special train from Camp Meade, Md., on an order from Secretary of War Baker. Lieut. Commander Bloxham Ward is in charge. Motor trucks brought the general equipment to the capital.

Parts of the city look like a camp. There are three army tanks equipped with machine guns ready for instant use, and seven more tanks are held in readiness at Camp Meade. Additional units of infantrymen at Camp Meade, of marines at Quantico and of cavalrymen at Fort Myer are held in constant readiness to be rushed here on special trains.

HEAVILY ARMED GUARDS IN ALL SECTIONS.

During the night soldiers and special officers were stationed on roofs in dangerous localities. Fifty extra plain clothes men, with heavy calibre revolvers, have been scattered over the city in motor cars, and a truckload of ammunition for revolvers and machine guns has been delivered at Police Headquarters from Camp Meade. The police reported they had 1,000 revolvers and 50,000 rounds of ammunition available.

Scores of army and navy officers, armed with revolvers and full cartridge belts, have charge of details of enlisted men by order of the War and Navy Departments. The Red Cross has workers delivering food, coffee and tobacco to the men.

The first trouble last night was when Isaac B. Hopfinger, member of the Home Defense League, was killed by a negro at Ninth and S Streets Northwest. Followed a report that G. E. Belmont, guard, had been fatally shot a block away, infantrymen, marines and cavalrymen were sent to the scene, some of them with machine guns in automobiles.

SURROUND AND SEARCH ENTIRE BLOCK.

The block, as well as other districts where there had been sniping, was surrounded. Three riot calls came in simultaneously from one negro section. Armed guards covered adjacent roofs and every house and cellar was searched.

The shooting of Hopfinger was by a negro he had stopped to search for weapons. After killing the guard the negro fired two shots at a marine. He escaped by going through the apartment of a white family and jumping to a roof. Belmont was shot by negroes in an automobile. A number of negro suspects were arrested.

At about the same time a report

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